



Private Native Forestry and Crown Forestry Environmental Compliance Priorities: actions taken in 2013–14

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Published by:

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ISBN 978 1 74359 752 1 EPA 2014/0673 September 2014

Contents

1
1
3
4
5
6
6
7
7
9
9
13

List of tables

Table 1:	Actions taken in 2013–14 to identify, retain and protect hollow-bearing and recruitment trees	1
Table 2:	Actions taken in 2013–14 to protect koalas and their habitat	3
Table 3:	Actions taken in 2013–14 to improve identification and protection of threatened ecological communities	ļ
Table 4:	Actions taken in 2013–14 to protect water quality and in-stream habitat degradation resulting from road and snig track crossings	
Table 5:	Actions taken in 2013–14 to prevent soil erosion and water quality degradation resulting from road and snig track drainage	3
Table 6:	Actions taken in 2013–14 for effective pre-logging operational planning and operational instructions and guidance	3
Table 7:	Actions taken in 2013–14 to improve compliance with the Native Vegetation Act's requirements	7
Table 8:	Actions taken in 2013–14 to protect key Western and Coastal Exclusion Zones 8	3
Table 9:	Actions taken in 2013–14 to maintain forest structure, including through basal area assessments)
Table 10	2: Actions taken in 2013–14 to consider forest health issues in the regulatory framework, including bell miner associated dieback)

Introduction

In 2013–14, a range of actions were proposed for regulating native forestry activities on either the NSW Crown estate (Crown) or on private land (PNF). This is a report on the progress to date and the actions taken in 2013-14 against the native forestry compliance priorities.

Hollow-bearing and recruitment trees

Identification, retention and protection of adequate and appropriate trees for maintenance and replacement of arboreal tree hollow habitat

Progress and actions taken in 2013–14 for this compliance priority are described in Table 1 below.

Table 1: Actions taken in 2013–14 to identify, retain and protect hollow-bearing and recruitment trees

recruitment trees						
PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14		
Crown	Deliver guidance note on the identification of recruitment trees and hollow-bearing and recruitment tree retention, including an audit methodology for hollow-bearing and recruitment tree requirements.	2013–14	Achieve consistency in the identification of recruitment trees, as well as the required spatial distribution of hollow-bearing and recruitment trees retained.	The guidance note will be delivered after the consolidated coastal IFOA is finalised. Recruitment trees play a critical role in ensuring hollow resources remain available into the future. Improvements to tree retention requirements and assessment methods are being considered as part of the remake of the coastal IFOA. The guidance note will be in line with relevant provisions under the new framework.		
Crown	Stakeholder field days.	2013–14	Present the guidance note on identifying recruitment trees and retaining hollow-bearing and recruitment trees. Demonstrate its application in the field and present the EPA audit methodology.	Stakeholder field days will take place after the guidance note is delivered.		
Crown	Audit the application of guidance note using updated audit methodology.	2014–15	Assess compliance.	The EPA assessed compliance with the hollow-bearing and recruitment tree requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.		

Private Native Forestry and Crown Forestry Environmental Compliance Priorities 2013–14: actions taken in 2013–14

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
PNF	Deliver guidance note on the identification of recruitment trees and hollow-bearing and recruitment tree retention, including an updated audit methodology for hollow-bearing and recruitment tree requirements.	2013–14	Achieve consistency in the identification of recruitment trees, as well as the required spatial distribution of hollow-bearing and recruitment trees retained.	Guidance note on Identifying hollow-bearing and recruitment trees NSW EPA for the northern and southern PNF Codes was published on the EPA website. To ensure consistency across tenures, separate guidance on tree retention and an assessment method for hollow-bearing and recruitment trees will be delivered for private lands after the consolidated coastal IFOA is finalised.
PNF	Stakeholder field days.	2013–14	Present the EPA guidance note on the identification of recruitment trees and hollow-bearing and recruitment tree retention and the EPA audit methodology. Demonstrate how to apply it in the field.	Stakeholder field days did not take place in 2013–14. Guidance on tree retention and an assessment method for hollow-bearing and recruitment trees will be delivered after the consolidated coastal IFOA is finalised. PNF stakeholder field days will take place in 2014–15 and will include information on identifying hollowbearing and recruitment trees.
PNF	Compliance and awareness campaign on applying the guidance note using updated audit methodology.	2014–15	Assess compliance with hollow-bearing and recruitment tree retention requirements using the audit methodology. Raise awareness of hollow-bearing and recruitment tree retention requirements.	The EPA assessed the compliance of the hollow-bearing and recruitment tree requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.

Koalas

Protecting koalas and their habitat

Progress and actions taken in 2013-14 for this compliance priority are described in Table 2 below.

Table 2: Actions taken in 2013-14 to protect koalas and their habitat

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
Crown	Compliance campaign – koala habitat protection requirements on the NSW Crown estate.	2013–14	Assess compliance with IFOA requirements relating to protecting koalas and their habitat.	The EPA assessed compliance of the IFOA requirements relating to protecting koala and their habitat in 2013/14 – for compliance results see Appendix 1 Proactive Compliance Report 2013–14.
PNF	Stakeholder consultation on proposed approach to improving the way koala habitat is identified and protected on private land.	2013–14	Improve way to identify and protect koala habitat consistently across council areas.	The EPA is improving koala identification and protection measures as part of the remake of the coastal IFOAs. Once these are finalised (which will include additional community consultation) the provisions for PNF will be revisited.
PNF	Finalise policy on koala habitat mapping and update the PNF Codes of Practice.	2014–15 to 2015– 16	Integrate koala habitat mapping with the regulation of private native forestry.	The EPA developed a baseline map of koala presence in NSW under a project funded through the Environmental Trust. The map will support regulating the impacts of forestry on koalas, including prioritising areas for detailed habitat mapping.
PNF	Compliance and awareness campaign – koala habitat protection requirements on private land.	2014–15	Assess compliance with koala protection requirements using the mapping determined in the policy. Raise awareness of koala habitat mapping policy.	The EPA assessed compliance of the koala habitat PNF Code requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.

Threatened ecological communities

Improved identification and protection

Progress and actions taken in 2013-14 for this compliance priority are described in Table 3 below.

Table 3: Actions taken in 2013–14 to improve identification and protection of threatened ecological communities

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
Crown	Compliance campaign in the western IFOA areas – identification and appropriate management requirements of key threatened ecological communities.	2013–14	Assess compliance.	The EPA undertook a compliance campaign in the south-west cypress IFOA region and identified some threatened ecological communities (TECs) that were not impacted by harvesting operations.
Crown	Map priority TECs on state forests in coastal NSW.	2013–14 to 2015– 16	Improve the identification and protection of priority threatened ecological communities.	A three-year TEC mapping project has begun that will focus on identifying the extent of 25 priority TECs that occur in State Forests. A series of expert panel sessions were convened to develop an agreed interpretation of each of the 25 target TECs that will underpin mapping. Fieldwork and mapping began in the Southern and Eden IFOA regions for a number of the priority communities.
PNF	Develop and/or improve indicative maps of priority threatened ecological communities used in the preparation of property vegetation plans for private native forestry in NSW.	2013– 2014 to 2015– 2016	Improve the identification and protection of priority threatened ecological communities.	The three-year TEC mapping project has begun; however, efforts are focused at first on identifying priority TECs that occur in State Forests.

Road and snig track crossings

Protection of water quality and in-stream habitat degradation resulting from inadequate road and snig track crossing location, design, construction, operation and maintenance

Progress and actions taken in 2013-14 for this compliance priority are described in Table 4 below.

Table 4: Actions taken in 2013–14 to protect water quality and in-stream habitat degradation resulting from road and snig track crossings

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
Crown	Compliance campaign – road and snig track crossing requirements on the NSW Crown estate.	2013–14	Assess compliance with IFOA requirements relating to road and snig track crossings.	The EPA assessed compliance of the road and snig track crossing IFOA requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.
Crown	Deliver best management practices (BMP) guidance note/s for road and snig track crossings on the NSW Crown estate	2014–15	Achieve consistency in applying BMP at road and snig track crossings.	The IFOA remake began in August 2013 and the NSW Government is preparing draft conditions for road and snig track crossings. BMP guidance is also in preparation and will be delivered for PNF and Crown.
PNF	Audit – road and snig track crossing requirements on private land.	2013–14	Assess compliance.	The EPA assessed compliance of the road and snig track crossing PNF Code requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.
PNF	Deliver BMP guidance note/s for road and snig track crossings on private land.	2014–15	Achieve consistency in applying BMP at road and snig track crossings.	BMP guidance is being prepared and will be delivered for PNF and Crown.
Crown and PNF	Stakeholder field days	2014–15	Present BMP guidance note/s and demonstrate application in the field.	BMP guidance is still being prepared.

Road and snig track drainage

Prevention of soil erosion and water quality degradation resulting from road and snig track drainage establishment and maintenance

Progress and actions taken in 2013-14 for this compliance priority are described in Table 5 below.

Table 5: Actions taken in 2013–14 to prevent soil erosion and water quality degradation resulting from road and snig track drainage

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
PNF	Audit – road and snig track drainage requirements on private land.	2013– 14	Assess compliance.	The EPA assessed compliance with the road and snig track drainage requirements in 2013/14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.
PNF	Deliver BMP guidance note/s for road and snig track drainage on private land.	2015– 16	Achieve consistency in applying BMP relating to road and snig track drainage.	Best management practice guidance will be delivered for PNF and Crown.

Forest operations plans

Ensuring effective pre-logging operational planning and operational instructions and guidance to improve best practice, regulatory compliance and environmental outcomes

Progress and actions taken in 2013-14 for this compliance priority are described in Table 6 below.

Table 6: Actions taken in 2013–14 for effective pre-logging operational planning and operational instructions and guidance

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
PNF	Compliance campaign – forest operation plan (FOP) requirements on private land.	2013– 14	Assess compliance with Code requirements relating to FOPs.	The EPA assessed compliance of FOP requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.

Unapproved logging

The EPA identified the potential for poor environmental outcomes from logging on private land not covered by an approved Private Native Forestry Property Vegetation Plan (PNF PVP). The EPA will continue to work with the NSW Office of Environment and Heritage (OEH) to improve compliance with the Native Vegetation Act's requirements.

Progress and actions taken in 2013-14 for this compliance priority are described in Table 7 below.

Table 7: Actions taken in 2013–14 to improve compliance with the Native Vegetation Act's requirements

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
PNF	With OEH raise awareness of requirements for landholders to get a PNF PVP, as well as other regulatory activities	2013–14	Reduce instances of unapproved logging on private land, with regulatory action taken as appropriate.	The EPA prepared an article to raise awareness of the requirement for landholders to get a PNF PVP, and sent it to industry magazines to publish. EPA officers also continue to promote the requirement for appropriate regulatory approval through routine stakeholder engagement and extension.

Exclusion Zones

Protecting key Exclusion Zones in:

- (a) Western Forest Management Zones and Threatened Species Protection Zones
- (b) Coastal Mapped Rainforest, Rocky Outcrops, Riparian Protection Zones and Threatened Species Exclusion Zones.

Progress and actions taken in 2013-14 for this compliance priority to protect key Western and Coastal Exclusion Zones are described in Table 8 below.

Table 8: Actions taken in 2013–14 to protect key Western and Coastal Exclusion Zones

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14				
a) Weste	a) Western							
Crown	Compliance campaign exclusion zone requirements.	- 2013- 14	Assess compliance with IFOA requirements relating to Forest Management Zones and Threatened Species Protection Zones.	The EPA assessed compliance with exclusion zone requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.				
b) Coast	tal							
Crown	Compliance campaign – exclusion zone requirements.	2013–14	Assess compliance with IFOA requirements relating to Mapped Rainforest, Rocky Outcrops, Riparian Protection Zones and Threatened Species Exclusion Zones.	The EPA assessed compliance with exclusion zone requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.				
Crown	Deliver guidance note on Rocky Outcrops and Cliffs.	2013–14	Achieve consistency in applying the IFOA requirements relating to protecting rocky outcrops and cliffs.	Guidance will be delivered after the consolidated coastal IFOA is finalised. Improvements to rocky outcrop requirements and assessment methods are being considered as part of remaking the coastal IFOAs. Guidance will be in line with relevant provisions under the new framework.				
Crown	Deliver guidance note on the protection and measurement of stream banks.	2014–15	Achieve consistency in the application of the IFOA requirements relating to protecting and measuring stream banks.	Guidance will be delivered after the consolidated coastal IFOA is finalised. Improvements to the requirements for protecting and measuring stream banks are being considered as part of remaking the coastal IFOAs. Guidance will be in line with relevant provisions under the new framework.				

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
Crown	Stakeholder field days.	2014–15	Present EPA guidance note on protecting and measuring stream banks and demonstrate application in the field.	Stakeholder field days for protecting and measuring stream banks will take place after the consolidated coastal IFOA is finalised.
Crown	Audit application of guidance note on protection and measurement of stream banks.	2014–15	Assess compliance.	The EPA will assess compliance with updated requirements and according to the guidance to protect and measure stream banks after the consolidated coastal IFOA is finalised.

Forest structure

Maintaining forest structure, including through basal area assessments

Progress and actions taken in 2013-14 for this compliance priority are described in Table 9 below.

Table 9: Actions taken in 2013–14 to maintain forest structure, including through basal area assessments

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14
Crown	Compliance campaign – basal area and tree retention requirements.	2013–14	Assess compliance.	The EPA assessed compliance of basal area requirements in 2013–14. For compliance results see Appendix 1 Proactive Compliance Report 2013–14.

Forest health

Forest health issues in the regulatory framework, including bell miner associated dieback Progress and actions taken in 2013-14 for this compliance priority are described in Table 10 below.

Table 10: Actions taken in 2013–14 to consider forest health issues in the regulatory framework, including bell miner associated dieback

PNF or Crown	Action proposed	Year	Purpose	Progress and action taken in 2013–14

Private Native Forestry and Crown Forestry Environmental Compliance Priorities 2013–14: actions taken in 2013–14

min diel dur	servations on bell ner associated back (BMAD) made ring compliance ivities.	2013– 14 to 2015– 16	Improve the knowledge base on the occurrence of BMAD in forests.	The EPA made observations about BMAD during EPA compliance activities and provided these details to the Forestry Corporation of NSW (FCNSW).
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Appendix 1 Proactive Compliance Report 2013–14

In 2013–14, the EPA delivered a comprehensive proactive compliance program that targeted native forestry compliance priorities.

Compliance work under this program was delivered using different regulatory tools, including:

- Regulatory engagement and extension the EPA engaged with a range of native forestry operators to promote an understanding of the requirements and the expected environmental outcomes for private native forestry or Crown forestry, and to promote voluntary compliance.
- **Operational monitoring** the EPA monitored operations to assess levels of compliance with relevant legislation, licences and the PNF Code of Practice during a desktop review and site inspections.
- Audit the EPA also audited in accordance with the AS/NZS ISO 19011 standard to assess levels of compliance with relevant legislation, licences and the PNF Code of Practice.
- **Campaigns** the EPA delivered targeted compliance campaigns to highlight its expectations for key environmental compliance priority issues in particular geographic areas.

It should be noted the compliance program discussed in this report does not include efforts in response to community concerns or complaints, or work undertaken as part of the Private Native Forestry Property Vegetation Plan (PNF PVP) application process. This report provides specific information about the EPA's proactive compliance work.

Table A1 provides information on the EPA's proactive compliance work in 2013–14. It gives an indication of the compliance priorities that the EPA focused on during work on private land and the NSW Crown estate.

Table A1 The EPA's proactive compliance effort 2013–14

Proactive compliance work/compliance priorities 2013–14	Proac comp work (gene	oliance		w- ng and itment	Koala	ıs	Crossings		Road and snig track drainage	Forest Operation Plans	Exclusion zones	ecolo	tened gical nunities	Forest structure (basal area or tree retention)
Proactive compliance	PNF	Crown	PNF	Crown	PNF	Crown	PNF	Crown	PNF	PNF	Crown	PNF	Crown	Crown
activities														
Eden Campaign	\	✓		V							\checkmark		✓	V
- Audits		5		5							5		1	4
 Regulatory engagement and extension 	12													
Southern Campaign		✓		>							\checkmark			✓
- Audits		2		2							2			2
River Red Gum Campaign	V	\checkmark	\checkmark	\searrow						\checkmark	Ø		\checkmark	✓
- Audits	1	3	1							1	3		1	
 Operational monitoring 		4		4							4			4
LNE Manning Campaign	✓	✓	✓	>	~	✓	✓	✓	✓	✓	✓	✓	✓	
- Audits	4	5	4	5	2	5	4	4	4	4	4	3	1	
- Operational Monitoring	1		1				1	-	1	1			·	
LNE Hastings Campaign	√	✓	✓				✓	✓	✓	\checkmark		✓		
- Operational monitoring	15	21	15				15	5	15	15				
- Regulatory engagement and extension	1											1		
UNE Campaign	K	^	V	\checkmark	V	√	V		\checkmark	V				S
- Audits	6	6	6	6	1	6	6		6	6			_	6
South-west Cypress/Forbes Campaign	V	✓					Ø			\square			✓	☑
- Operational monitoring	2	2					2			2			1	2
TOTAL:	PNF Audits – 11 Operational Monitoring – 18 Regulatory engagement and extension – 13					Aud Ope	Crown Audits – 21 Operational Monitoring – 11 Regulatory engagement and extension – 6							

On the NSW Crown estate, the EPA found the Forestry Corporation of NSW (FCNSW):

- complied with the basal area requirements in the Eden and Southern regions (note in one instance this could not be assessed)
- generally applied adequate compartment mark-up in the Eden region
- complied with the assessed threatened species requirements in the Southern region
- had a good level of overall compliance in the Upper North East region (note instances where there were issues below)
- complied with the drainage provisions relevant to exclusion zones assessed along the Murray and Murrumbidgee Rivers in the Riverina Red Gum region.

Despite these findings, the majority of Crown audits resulted in voluntary action plans with FCNSW, noting that the higher risk matters identified through the proactive program were investigated (see Table A2 below). The EPA required FCNSW to provide a plan for each audit, which included outcome-focused actions to implement in the immediate, short term or medium term to address the non-compliances the EPA identified and improve environmental performance.

Key issues targeted through voluntary corrective or other actions included:

- Poor selection of recruitment trees retained compared with those trees being harvested in the Eden, Southern, Lower North East and Upper North East regions.
- Poor selection of hollow-bearing trees in some instances in the Eden and Upper North East region.
- Recruitment trees selected in some instances had suppressed crown development in the Eden region.
- Some instances of inadequate protection of hollow-bearing and recruitment trees in the Southern and Upper North East regions. Tree
 crowns were damaged or there was debris accumulated around the base of the retained trees.
- Drainage feature crossings polluting waters in the Lower North East region.
- Inadequate mapping and mark-up of Old Growth and Rainforest in the Lower North East region.
- Koala mark-up searching not adequate in the Lower North East region and to a lesser extent also in the Upper North East region.
- Practices that could impact on hollow-bearing resource availability for breeding regent parrots during the regent parrot breeding season in the Riverina Red Gum region.

The EPA checks on the implementation of the action plans and whether there has been an improvement in environmental performance.

There was a good overall level of compliance for the native forestry operations assessed on private land.

Note, however, many audits and operational monitoring inspections on private land resulted in EPA officers requesting corrective action so that the PNF Code requirements would be met and to improve environmental performance.

Issues targeted through the EPA requesting corrective action included:

- unstable crossings LNE Manning Campaign (one property), UNE Campaign (one property), LNE Hastings Campaign (four properties)
- not installing 5 and 30 approach drainage to crossings LNE Manning Campaign(one property)
- lack of road and snig track drainage maintenance UNE Campaign (two properties), LNE Hastings Campaign (four properties)
- requirements concerning harvesting in unmapped drainage features and what the requirements are UNE Campaign (one property)
- the drainage features mapped not aligned with on ground drainage features and treated as unmapped drainage features LNE Hastings Campaign (two properties)
- on-ground identification of an Endangered Ecological Community LNE Hastings Campaign (one property).

The issues identified were addressed and checked by EPA officers as a result of these corrective action requests. For example, marking up the Endangered Ecological Community (EEC) before logging began in that area ensured it was not damaged. Understanding the requirements for unmapped drainage features and identifying them before logging meant there were no non-compliances. Operators also installed approach drainage to crossings, and armoured and maintained crossings to make them stable when requested.

As a result of the EPA's proactive compliance program, the EPA also began 10 investigations in State Forests and 5 investigations on private land (Table A2 below). The EPA also completed investigations that resulted from complaints and allegations. These investigations are categorised as responsive and as such are not reported in the table below.

For further information about the EPA's responsive compliance work, refer to the EPA's website.

Table A2 Investigations resulting from the proactive compliance program in 2013-14

Crown or Proactive campaign PNF		Location	Matter/s investigated	Status		
Crown	LNE campaign 2012–13	Kippara SF	Rocky outcrop protection Significant subterranean bat roost protection	FCNSW received two penalty notices		
PNF	Proactive inspection 2012– 13	Dubbo	Harvesting in a riparian exclusion zone	Contractor received a penalty notice		
PNF	Proactive inspection 2012– 13	Gloucester	Harvesting in old growth and rainforest exclusion zones	Contractor received a penalty notice		
Crown	Eden Campaign	Nalbaugh SF	Habitat and recruitment tree and general compartment mark-up requirements	FCNSW received an official caution		
Crown	Eden Campaign	Nullica SF	Harvesting in an unmapped drainage line and potential pollution of waters under s120 of the POEO Act	FCNSW received a warning letter		
Crown	Eden Campaign	Eden region	Mark up and protection of exclusion zones, including: - stream exclusion zones - threatened species exclusions – southern brown bandicoot and long-nosed potoroo - endangered ecological community protection	Matter being finalised		
Crown	Southern Campaign	Boyne SF	Rainforest identification and protection	FCNSW received an advisory letter		
Crown	Lower North East – Manning Campaign	Giro, and Olney SFs	Potential pollution of waters under s120 of the POEO Act	Matter being finalised		
Crown	Lower North East – Manning Campaign	Giro and Bowman SFs	Koala habitat identification (searches and mark-up)	Matter being finalised		
Crown	Lower North East – Manning Campaign	Giro SF	Threatened species protection – Stephen's banded snake	Matter being finalised		
Crown	Lower North East – Manning Campaign	Kiwarrik SF	Endangered ecological community identification and protection	Matter being finalised		
PNF	Lower North East – Manning Campaign	Private property	Hollow-bearing and recruitment tree retention Koala feed tree retention Basal area retention	Advisory Letter issued to the operator about retaining adequate basal area. Hollow-bearing and recruitment tree retention and koala feed tree retention were adequate		
PNF	Lower North East – Hastings Campaign	Private property	Maintenance of road crossings and no approach drainage to crossing	Matter being finalised		
PNF	Lower North East – Hastings Campaign	Private property	Basal area retention	Matter being finalised		
Crown	Riverina Red Gum Campaign	Riverina Red Gum region	Development of protocols for on ground protection of significant drainage features and tree retention	FCNSW received a warning letter		